THE HON'BLE SRI JUSTICE V.V.S.RAO

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WRIT PETITION No.20379 of 2005

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Dated:24.03.2006

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Between:

Saggonda Gram Panchayat.

…Petitioner

And

District Panchayat Officer, Eluru, West Godavari District, and others.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.20379 of 2005

ORDER:

Saggonda Gram Panchayat in West Godavari District filed the instant Writ Petition assailing the proceedings bearing No.129/2005, dated 15.08.2005, issued by the

second respondent allotting/entrusting the work of “laying of cement concrete road” in Gopalapuram Village, to the third respondent as illegal and arbitrary. Though interlocutory matters are listed, the matter is heard finally and is being disposed of by this order.

It is the case of the petitioner-Gram Panchayat that it passed a resolution on 11.07.2005 to entrust the laying of cement concrete road at an estimated cost of Rs.1,00,000/- to the village level committee. The Gram Panchayat also sent a letter, dated 25.07.2005, to the second respondent requesting to allot the work to one Sri Chadalavada Nagaraju, S/o.Venkanna. However, the second respondent allotted the work to the third respondent ignoring the resolution of the Gram Panchayat.

The second respondent filed a counter affidavit. It is stated that the orders/guidelines issued by the Government in G.O.Ms.No.37, dated 18.02.2005, deal with entrustment of work to the works committee in respect of Gram Panchayat, wherever the work is sanctioned by the Gram Panchayat. The work in the present case is sanctioned by the Mandal Parishad, which is an independent body, and therefore, the guidelines issued by the Government in G.O.Ms.No.37, dated 18.02.2005, have no application. It is further stated that as per Clause 4.2(II) of the guidelines under Sampoorna Grameena Rozgar Yojana (SGRY), 30% of the funds have been allotted to the Mandal Parishad, which passed resolution No.121 on 26.03.2005 to meet the expenditure from out of its own funds. Therefore, the work was entrusted by the second respondent to the third respondent. A reference is also made to Section 273 of the Andhra Pradesh Panchayat Raj Act, 1994 (for short ‘the Act’), which provides for resolution of the dispute between the two local bodies by the Government.

Learned Counsel for the petitioner has taken this Court through various provisions of the Act, the guidelines issued by the Government in G.O.Ms.No.37, dated 18.02.2005, and submits that whenever a work is taken up in the Village Panchayat, the same has to be entrusted to the village level committee as resolved by the Gram Panchayat. The learned Assistant Government Pleader for Panchayat Raj disputes this. He submits that though the road is situated in the Gram Panchayat, it is Mandal Parishad road and as the expenditure is being made from the Manda Parishad funds, the work has to be entrusted as per the decision of the second respondent. Be it also noted, as the notice is served on the third respondent through the second respondent, none appears for the third respondent.

A perusal of G.O.Ms.No.37, dated 18.02.2005, would show that the guidelines contained therein are applicable to execution of works tied up with rice component and method of entrustment of works. The said Government Order is applicable under Food for Work programme. Admittedly, the work of laying cement concrete road in Gopalapuram Gram Panchayat is not one of the identified works under Food for Work programme. Those guidelines have no application. Though it is specifically averred by the second respondent that 30% of the funds for the work have been sanctioned by the Mandal Parishad under SGRY, the same is not denied. This would belie the contention of the petitioner that the work pertains to the Gram Panchayat. The work now taken up is a Mandal Parishad work, and therefore, there is no necessity to entrust the work to the village level committee selected by the

Gram Panchayat. The petitioner has failed to demonstrate any right in it for seeking a mandamus as prayed for.

The Writ Petition is devoid of merits and is accordingly, dismissed. No costs.

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(V.V.S.RAO, J)

24.03.2006

vs